

REMARKS

Applicant submits this Reply to the final Office Action mailed March 31, 2008. By this Reply, Applicant proposes to amend claims 11, 16, 17, 24, and 25, and cancel claim 12. Accordingly, claims 11, 13 and 15-25 remain pending in this application. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 11, 16, 17, 24, and 25. Thus, this Reply introduces no new matter.

In the Office Action, claims 11, 13, 14, and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,953,165 to Griebat et al. ("Griebat"); claims 17-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,583,455 to Salete-Garces ("Salete-Garces"); and claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Griebat. Applicant respectfully traverses these rejections for the reasons provided below.

To anticipate a claim, the applied reference must disclose each and every element of the claim. MPEP § 2131. Griebat fails to anticipate independent claim 11 because Griebat does not disclose each and every element of amended claim 11. For example, claim 11 recites, among other things, "seeding the grains immediately thereafter in a processing zone between baffles of a roller, the roller having a plurality of edged outward projections." The Examiner admits that Griebat fails to disclose this feature, stating that "Griebat et al. does not use a rotor/stator combination having projections." Office Action at 2. Accordingly, Griebat cannot anticipate claim 11 and its dependent claims, 13 and 16. Withdrawal of the Section 102(e) rejection is respectfully requested.

With respect to the 35 U.S.C. § 102(b) rejection of claims 17-25 as being anticipated by Salete-Garces, Salete-Garces does not disclose each and every element of claims 17-25 and thus fails to anticipate the claims. For example, amended independent claim 17 recites, among other features, “wherein the rotor includes a hollow shaft enclosed in a region of the processing zone by a roller and wherein the roller has a plurality of edged projections that elongate parallel to an axis of rotation of the rotor.” Independent claim 24, as amended, recites, among other things, “a roller disposed radially outward from the shaft and including a plurality of edged projections that elongate parallel to the axis of rotation of the rotor, the roller further including a plurality of assigned openings.” Salete-Garces discloses “a screen and rotor assembly for a grain husking, decorticating, polishing and whitening machine.” Salete-Garces, Abstract. Salete-Garces further discloses that “between each pair of channel members 32, which together with the ring segments 31 form the screen holder 12, a particularly designed abrading screen 10 is incorporated, comprising a plurality of screen members 13 and a corresponding plurality of abrading members 14, alternated to each other.” Salete-Garces, col. 8, l. 65 - col. 9, l. 2. See also Salete-Garces, Fig. 9.

In other words, whereas independent claims 11 and 24 recite “edged projections,” Salete Garces discloses abrading members (14) capable of husking, polishing and whitening rice. Salete Garces does not disclose or even suggest “edged projections” because, unlike independent claims 11 and 24, Salete Garces is not directed to seeding grain. Instead, Salete-Garces discloses husking, polishing and whitening rice, processes that require tools having features that are incompatible with seeding grain such as “edged projections.” Accordingly, Applicant respectfully requests

withdrawal of the Section 102(b) rejection of claim 17 and its dependent claims 18-23 and claim 24 and its dependent claim 25.

Regarding the rejection of claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Griebat, Applicant submits that no *prima facie* case of obviousness has been established. Applicant notes that to establish a *prima facie* case of obviousness, even though “the prior art reference (or references when combined) need not teach or suggest all the claim limitations,” the Examiner must still consider all of the words in a claim. MPEP § 2143.03. This rejection does not consider each of the elements of claim 11, from which claim 15 depends. For example, the rejection does not consider “seeding the grains immediately thereafter in a processing zone between baffles of a roller, the roller having a plurality of edged outward projections,” as recited in claim 11. As noted above, the Examiner admits that Griebat fails to disclose this feature. For at least this reason, no *prima facie* case of obviousness has been established and claim 15 is allowable for at least the same reasons that claim 11 is allowable.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 11, 13, and 15-25 in condition for allowance. Applicant submits that the proposed amendments of claims 11, 16, 17, 24, and 25 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, it is respectfully submitted that the entering of the Amendment

would allow the Applicant to reply to the final rejections and place the application in condition for allowance. Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Reply, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is not anticipated or rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

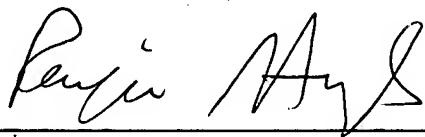
Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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